

HON. JAMES A. HAYNES
District Judge - Department No. 2
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford Street, Suite B
Hamilton, Montana 59840
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FILED
DEBBIE HARMON, CLERK

OCT 31 2003

Cheri Bates
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

BRUCE ALLEN CASTILLO,

Defendant.

Cause No. DC 03-62 /19
Department No. 2

JUDGMENT

After leave granted by this Court, a criminal Information was filed on April 23, 2003, by the County Attorney for Ravalli County as attorney for the State of Montana, charging the Defendant with SEXUAL ASSAULT, a Felony, in violation of §45-5-502(1)(3) MCA and INDECENT EXPOSURE, a Misdemeanor, in violation of §45-5-504 MCA, committed on or about July 1996.

The Defendant was arraigned on May 8, 2003, and was advised of the nature of the charges against him, of the maximum sentence in case of a plea or verdict of guilty, and of his constitutional rights. The Defendant was provided with a true copy of the Information filed

against him. The Defendant was represented by Mark McLaverty, Esq., as counsel, and entered a plea of not guilty to the above criminal charges. The case was then set for trial.

On July 17, 2003, counsel advised the Court that the Defendant wished to vacate the Jury Trial and set a change of plea hearing. Defendant appeared on August 7, 2003 and pled guilty to the above charges. The Court found a factual basis for the guilty pleas, that the pleas were knowingly, voluntarily and intelligently entered, and accepted the plea on motion of the State.

The Defendant appeared on September 18, 2003, and was asked if he had any legal cause to show why sentence and judgment of the Court should not be imposed at that time, and the Defendant replied in the negative.

The Court accepted the sentencing recommendation in the written plea agreement.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

That the Defendant, **BRUCE ALLEN CASTILLO**, is guilty of the crimes of

- (1) **SEXUAL ASSAULT**, a Felony, in violation of §45-5-502(1)(3) MCA, and
- (2) **INDECENT EXPOSURE**, a Misdemeanor, in violation of §45-5-504 MCA,

(1) For the charge of **SEXUAL ASSAULT**, a Felony, in violation of §45-5-502(1)(3) MCA:

- a) The Defendant shall be committed to the custody of the Montana State Prison for a period of thirty (30) years, of which all but seven and one-half (7 1/2) years are suspended on the following conditions.
- b) The Defendant shall not be eligible for parole until successfully completing the sexual offender program at the Montana State Prison;
- c) The Defendant shall pay a fine of \$5,000.00;

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- d) The Defendant shall pay a Crime Victim surcharge fee in the amount of \$25.00, as provided for in §46-18-236, MCA;
 - e) The Defendant shall pay a statutory surcharge fee in the amount of \$20.00, as provided for in §46-18-236, MCA;
 - f) The Defendant shall pay a Court Technology Fee in the amount of \$10.00.
- (1) For the charge of **INDECENT EXPOSURE**, a Misdemeanor, in violation of §45-5-504 MCA:
- a) The Defendant shall serve six months in the Ravalli County Detention Center. This time shall run concurrent with the prison sentence in Charge #1.
 - b) The Defendant shall pay a Crime Victim surcharge fee in the amount of \$25.00, as provided for in §46-18-236, MCA;
 - c) The Defendant shall pay a statutory surcharge fee in the amount of \$15.00, as provided for in §46-18-236, MCA;
 - d) The Defendant shall pay a Court Technology Fee in the amount of \$10.00.

<u>Summary:</u>	Total Fine:	\$5,000.00
	Total Crime Victim Surcharge Fee:	\$ 50.00
	Total Statutory Surcharge Fee:	\$ 35.00
	Total Court Technology Fees:	\$ 20.00

The Defendant shall receive credit for time served in jail prior to sentencing (1 day), as well as credit against any fine imposed at the daily rate established by the Ravalli Board of County Commissioners (which rate the Court is informed is currently set at \$55.00/day), consistent with the applicable wording of MCA §46-18-403 (2001) and *State v. Fisher*, 314 Mont. 222 (2003).

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obtain permission from his Probation & Parole Officer prior to any change of employment. The Defendant will inform his employer of his status on probation or parole;

- (11.) The Defendant will personally report to his Probation/Parole Officer as directed. He will submit monthly report on forms provided. He will make himself available to his Probation & Parole Officer as requested;
- (12.) The Defendant shall not own, possess, or be in control of any firearms, ammunition, deadly weapons, explosives or destructive devices including but not limited to black powder weapons, black powder or pyrodex, as defined by state or federal law. The Defendant shall not possess chemical agents such as O.C. spray;
- (13.) The Defendant shall obtain permission from his Probation & Parole Officer before financing or purchasing a vehicle, property, or engaging in business. The Defendant will not go into debt without his Probation & Parole Officer's permission. Restitution, child support, fines, and fees will be the Defendant's priority financial obligations;
- (14.) Upon reasonable suspicion, as ascertained by the Probation & Parole Officer, the Defendant's person, vehicle, and/or residence may be searched at any time, day or night, without a warrant by a Probation & Parole Officer, ISP Officer, or a Law Enforcement Officer (at the direction of the Probation & Parole/ISP Officer). The Defendant may also be searched at his place of employment. Any illegal property or contraband will be seized and may be destroyed;
- (15.) The Defendant shall comply with all city, county, state, federal laws, and ordinances, and conduct himself as a good citizen at all times. The Defendant shall report any arrests or contacts with law enforcement to his Probation & Parole Officer within 72 hours. The Defendant shall be cooperative and truthful in all communications and dealings with his Probation/Parole Officer;
- (16.) The Defendant will not possess or use illegal drugs or any drugs unless prescribed by a licensed physician nor shall he be in control of or under the influence of illegal drugs, nor will he have in his possession any drug paraphernalia;
- (17.) The Defendant shall not use/drink intoxicants/alcohol, nor will he enter any place intoxicants are the chief item of sale. He will submit to Breathalyzer testing or bodily fluid testing for drugs or alcohol as requested by his supervising officer;
- (18.) The Defendant shall participate in and successfully complete any evaluations, counseling or treatment as recommended by the Department of Corrections and/or his Probation

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Officer, to include, but not limited to: Mental Health Counseling, Chemical Dependency Counseling, Anger Management Counseling, Sex Offender Counseling and CP&R (Cognitive Principles & Restructuring).

- (19.) The Defendant shall not possess or use any electronic device or scanner capable of listening to law enforcement communications;
- (20.) The Defendant shall abide by a curfew if determined necessary and appropriate by his Probation & Parole Officer;
- (21.) The Defendant shall complete any community service ordered by the Court or his Probation & Parole Officer;
- (22.) The Defendant will not enter any casinos or play any games of chance;
- (23.) The Defendant shall not associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from his Probation/Parole Officer. He will not associate with persons as ordered by the Court or BOPP;
- (24.) The Defendant shall register as a Violent/Sexual Offender in compliance with Title 44, Chapter 23, Part 5 MCA and give appropriate notice of any address change. The Defendant will submit to DNA testing;
- (25.) The Defendant shall obtain a psychosexual evaluation by MSOTA certified or department approved treatment provider, at his own expense and follow all recommendations of said evaluation;
- (26.) The Defendant shall have no contact with the victim(s) by any means including written, telephone, electronic device, by a third party or in person.
- (27.) The Defendant shall not associate with any individual under the age of eighteen, in a work or social situation, unless accompanied by an approved responsible adult who is aware of the Defendant's sexual conviction and is approved by his supervising Officer;
- (28.) The Defendant shall not congregate in places where children congregate including playgrounds, schools and parks, unless accompanied by an approved responsible adult who is aware of the Defendant's sexual conviction and approved by his supervising Officer;

(29.) The Defendant shall not use or possess pornography, erotica, X-rated videos, adult books, such as Penthouse or Playboy, frequent adult book stores, topless bars, massage parlors, or use the services of prostitutes;

IT IS FURTHER ORDERED that any bond previously posted is exonerated.

The Court further finds that the Defendant is capable of paying restitution for counseling that is deservedly due the victim of the sexual assault. The Court imposes restitution, payable to the victim of the sexual assault. Defendant states he is expecting a settlement from a personal injury matter and is directed by this Court to pay restitution in a lump sum amount of \$5,000.00 upon receipt of that settlement. Defendant is directed to provide his civil attorney with a copy of this Judgment and said attorney is directed to and shall first issue out of any personal injury settlement distribution the \$5,000.00 restitution amount, payable to the Department of Corrections. The above said \$5,000.00 fine assessed shall also be immediately paid and distributed by the Defendant's civil attorney as a lump sum out of any personal injury settlement received, and this amount shall be payable to the Clerk of District Court.

IT IS FURTHER ORDERED that as restitution is collected the Department of Corrections shall first distribute said \$5,000 restitution directly to the sexual assault victim. This restitution shall be separate and apart from any repayment obligation the victim may have to the Crime Victim's Compensation Fund or subrogation to any insurance companies, as the Court finds it will barely begin to cover the substantial costs for the support and counseling required to make this victim a whole and healthy person.

The reasons for the sentence imposed are the Court has received and reviewed the pre-sentence investigation report, psychological evaluation, and has heard the recommendations of

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counsel, family members, and victims.

The Court finds the Defendant is a high risk to reoffend. He continues to deny or minimize these sex based charges. The Defendant lacks an appropriate sense of sexual boundaries, especially involving minor girls. Only within a very structured environment in a prison will Defendant be in a position to sink within himself, absorb the sexual offender counseling available to him, address his intentional and purposeful actions which led into this conviction, so that he can return to civilian life as a better citizen. The length of the 30-year sentence is necessary to monitor the Defendant's behaviors for a substantial part of the remainder of his life.

NOTICE

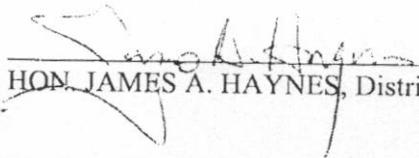
The Parties are hereby put on notice that pursuant §46-18-116 (2), Mont. Code Ann., the Defendant or the prosecutor in the county in which the sentence was imposed may, within 120 days after filing of the written Judgment, request that the Court modify the written Judgment to conform to the oral pronouncement. The Court shall modify the written Judgment to conform to the oral pronouncement at a hearing, and the Defendant must be present at the hearing unless the Defendant waives the right to be present or elects to proceed pursuant to §46-18-115, Mont. Code Ann. The Defendant and the prosecutor waive the right to request modification of the written Judgment if a request for modification of the written Judgment is not filed within 120 days after the filing of the written Judgment in the sentencing Court.

The Defendant is hereby remanded to the custody of the Sheriff of Ravalli County for transportation to the Montana State Prison, for execution of this, the sentence and judgment of the Court.

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DONE IN OPEN COURT on October 9, 2003.

DATED this 23rd day of October, 2003.

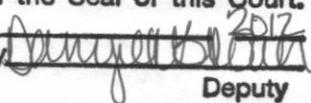

HON. JAMES A. HAYNES, District Judge



STATE OF MONTANA }
COUNTY OF RAVALLI } ss.

I, DEBBIE HARMON, Clerk of the District Court of the Twenty-First Judicial District of the State of Montana, in and for the County of Ravalli, do hereby certify this instrument to be a full, true and correct copy of the original as the same appears in the file and records of this office.

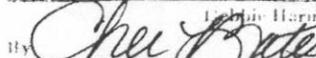
WITNESS MY HAND and the Seal of this Court.

this 7th day of May, 2017
DEBBIE HARMON, Clerk, By 
Deputy

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I certify that I forwarded copies of this instrument to counsel of record

10-31-03

By  Deputy
Debbie Harmon, Clerk

CA, PROB, DET, SHERIFF
MCL, DEF, MSP, DOC, BP&P